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AUTOS

Jury hits Toyota with \$3-million verdict in sudden acceleration death case

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By KEN BENSINGER AND JERRY HIRSCH
OCT 24, 2013 | 5:08 PM



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Toyota lost a \$3-million judgment in an Oklahoma sudden acceleration lawsuit. (Uli Deck / European Pressphoto Agency)



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An Oklahoma City jury has found that electronic defects in a Toyota Motor Corp. vehicle caused it to accelerate out of control and crash into a wall, killing a passenger and seriously injuring the driver.

The verdict, handed down late Thursday, requires Toyota to pay a total of \$3 million in compensatory damages to Jean Bookout and the family of the deceased passenger, Barbara Schwarz. They were the sole occupants of a 2005 Camry that crashed in Eufaula, Okla., in September 2007.



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The jury will award punitive damages in the case as well, based on its finding that Toyota's actions were in "reckless disregard" of others. Deliberations on the second set of damages will begin on Friday.

A Toyota spokesman confirmed the verdict but said the company could not comment while the case is ongoing. Attorneys for the plaintiffs also declined to comment.

The decision marks the first time a jury was convinced by arguments that faulty electronics -- in this case those involving the Camry's electronic throttle system --

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The automaker has vigorously denied su
defended itself in court in three prior trials.

Earlier this month, it was cleared of responsibility in a Los Angeles court case involving an Uplands, Calif., woman who died when her Camry accelerated to more than 100 miles per hour before crashing.

But plaintiff attorneys in the Oklahoma case claimed that Toyota had long been aware of problems in the electronic throttle system in Camrys and did not move to correct them. As a result, they argued, Bookout, then 76 years old, could not prevent her sedan from accelerating through an intersection and crashing into an embankment.



The Times first reported on the Bookout accident in 2009 as part of its coverage of the Toyota sudden acceleration issue.



Feedback

"This certainly changes the momentum," said Carl Tobias, a product liability expert and law professor at the University of Richmond.

The ruling "has to be a real concern for Toyota," Tobias said. "They have maintained all along that there wasn't a problem."

The ruling also is noteworthy because it comes from a jury in Oklahoma, a state not known as particularly friendly to plaintiffs in such lawsuits, he said.

Tobias said it will take about a dozen rulings before a trend emerges and Toyota is ready to enter into serious settlement negotiations with other plaintiffs filing similar lawsuits.

Nonetheless, with the punitive damages ruling still to come down in the Oklahoma

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Toyota still faces hundreds of other sudden acceleration lawsuits, many of which will probably make similar arguments. The next trial, involving a Georgia woman who accelerated into a schoolyard, is set to begin in federal court in Santa Ana next month.

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